

Agenda Item #11.G.



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDUARDO RUIZ

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

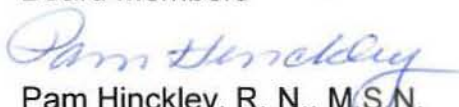
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DATE: August 23, 2011

TO: Board Members

FROM: 
Pam Hinckley, R. N., M.S.N.
Nursing Education Consultant

SUBJECT: Soledad Adult School/Mission Trails Vocational Nursing Program –
Consideration of Placement on Provisional Accreditation (Director: **VACANT**,
Soledad, Monterey County, Adult School)

The Soledad Adult School/Mission Trails Vocational Nursing Program is presented to the Board for consideration of placement on provisional accreditation.

In accordance with Section 2526.1(c) of the Vocational Nursing Rules and Regulations,

“The Board may place any program on provisional accreditation when a program does not meet all requirements as set forth in this chapter and in Section 2526...”

Section 2529(b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525 et seq.).”

The Soledad Adult School/Mission Trails Vocational Nursing Program has been without a program director since September 15, 2010.

History of Prior Board Actions

- On April 12, 2006, the Board approved Soledad Adult School/Mission Trails' request to begin a part - time vocational nursing program with an initial class of 20 students on September 5, 2006, only; and approved the program curriculum for 1530 hours, including 576 theory and 954 clinical hours.

- On October 5 – 6, 2008, the assigned consultant surveyed the Soledad Adult School/Mission Trails Vocational Nursing Program. The program was inspected to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Two (2) violations were noted.
- On December 8, 2008, the Board approved initial full accreditation for the Soledad Adult School/Mission Trails Vocational Nursing Program for the four-year period December 8, 2008 through December 7, 2012, and issued a certificate accordingly, **and**; approved the Soledad Adult School/Mission Trails Vocational Nursing Program's request to admit a part - time class of 20 students commencing February 10, 2009, only, to **replace** graduating students, with an anticipated graduation date of April 16, 2011.
- On December 4, 2010, the Board forwarded correspondence to the director advising that the program's pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.
- On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director.
- On January 13, 2011, the assigned consultant forwarded correspondence to the principal regarding the lack of active program administration by a Board – approved director. The program was requested to submit information relative to the program's plans for program administration by January 21, 2011.
- On January 27, 2011, the Board received an application from the principal requesting approval of a new program director. The principal was advised that the applicant **did not** meet regulatory requirements.
- On February 10, 2011, the Board forwarded correspondence to the principal advising that the program's pass rates had fallen more than ten (10) percentage points of the state average annual pass rate for five (5) consecutive quarters. Additionally, the principal was requested to submit information relative to program administration by February 15, 2011.
- On February 15, 2011, the Board received correspondence from the principal relative to program administration.
- On February 23, 2011, the Board received an application from the principal requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the principal advising that the applicant **did not** meet regulatory requirements.

- On April 26, 2011, the Board received a telephone inquiry from the principal and district administrator relative to regulatory requirements and the program's difficulties in hiring a new program director.
- On May 2, 2011, the Board received a telephone call from the district superintendent relative to the school district's attempts to ensure program administration.
- On May 23, 2011, the Board received correspondence, dated May 20, 2011, from David Robinette, attorney for Soledad Unified School District, requesting information relative to the Board's actions regarding the program.
- On June 10, 2011, the Board forwarded correspondence to David Robinette, the school district's attorney, in response to correspondence received May 25, 2011.
- On July 13, 2011, the Board received electronic correspondence from the school with an application requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant **did not** meet regulatory requirements.
- On August 4, 2011, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and actions taken to correct identified problems that they desire Board members to consider.

Enrollment

The program is approved to offer part – time classes that are 96 weeks in length. Board approval is required prior to the admission of each class. The admission pattern for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and projected class starts and completions. The table indicates a **maximum enrollment of 14 students** during the period **November 2006 through September 2011**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
11/06		19	6	$0 + 6 = 6$
	1/09 (11/06 Class)		-6	$6 - 6 = 0$
2/09		20	14	$0 + 14 = 14$

Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated

in Member Board Jurisdiction,” for the period April 2009 through June 2011, specify the pass percentage rates for graduates of the Soledad Adult School/Mission Trails Vocational Nursing Program on the National Council Licensure Examination for Practical (Vocational) Nurses (NCLEX-PN®).

NCLEX-PN® Licensure Examination Data						
Quarterly Statistics					Annual Statistics*	
Quarter	# Candidates	# Passed	% Passed	State Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate
Apr – Jun 2009	5	5	100%	71%	100%	70%
Jul – Sep 2009	No Candidates			74%	100%	72%
Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%
*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three-quarters by the number of candidates who tested during the same period. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.						

Based on the most current data available (April – June 2011), the program’s average annual pass rate is 0%. However, it is noted that the program has had no graduates tested for five (5) consecutive quarters.

The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 76%. The average annual pass rate for the Soledad Adult School/Mission Trails Vocational Nursing Program is **76** percentage points **below** the state average annual pass rate.

Faculty and Facilities

Section 2534 (d) of the Vocational Nursing Rules and Regulations states:

“For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.”

The program’s number of Board-approved faculty totals seven (7). As noted previously, the program is currently without a director. Of the total approved faculty, seven (7) instructors are approved to teach clinical.

Based upon a maximum enrollment of 14 students, one (1) instructor is required for clinical instruction. Therefore, the current number of faculty is adequate for the current enrollment.

Section 2534 (b) of the Vocational Nursing Rules and Regulations states:

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

The program has clinical facilities that are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534 (b) of the Vocational Nursing Rules and Regulations. This information has been verified by the consultant.

Other Considerations

Board records substantiate the program’s noncompliance with existing regulatory requirements. On April 12, 2006, the program was approved to admit an initial part – time class of 20 students on September 5, 2006 only. On October 5 – 6, 2008, the assigned consultant inspected the program to determine compliance with requirements set forth in California Code of Regulations Article 5. Two (2) violations were noted and corrected.

On December 8, 2008, the Board approved the program’s initial full accreditation for the four (4) year period December 8, 2008 through December 7, 2012 (see Attachment A). Additionally, the program was approved to admit a second part – time class of 20 students commencing February 10, 2009 only, to **replace** students scheduled to graduate on January 14, 2009.

Of the 19 students admitted in the initial class, six (6) graduated on January 14, 2009. The program admitted its second class of 20 students on February 10, 2009.

On December 4, 2010, the assigned consultant forwarded correspondence to the director of record, Donna Staunton, advising that the program’s pass rates had fallen more than ten (10) percentage points **below** the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010. (See Attachment B)

On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director. The principal advised, “Since the graduation of the 2009 cohort, Soledad Adult School/Mission Trails ROP has separated from the Boston Reed College program. We are currently offering a locally based program. Soledad Adult School/Mission Trails ROP is now under the leadership of a new Director who works collaboratively with the Vocational Nursing Program staff to oversee and make program

improvements. We have undergone changes in personnel, including hiring two new instructors. We are in the process of replacing our Vocational Nursing Program Director” (See Attachment C).

On January 13, 2011, the assigned consultant forwarded a Notice of Violation to the principal per certified and regular mail, regarding the lack of active program administration by a Board – approved director. Specifically, the program had been without a program director since September 2010. The program was requested to provide the Board with their progress on hiring a new director by January 21, 2011. (See Attachment D)

On **January 27, 2011**, the principal responded via electronic communication, that the school was in the process of hiring a director and submitted an application for Board approval. On that day, **the assigned consultant forwarded correspondence informing the principal that the candidate did not meet the qualifications as set forth in the California Code of Regulations, section 2529(c)(1).** The principal queried if she should still submit the timeline for hiring a replacement director. The NEC responded, advising that submission of the timeline and other information is requested by February 15, 2011.

On February 15, 2011, the Board received correspondence from the principal stating that the former director had resigned September 12, 2010. The principal stated the school district began active recruitment for a director on September 24, 2010. Additionally, the principal stated, “...there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011.” (See Attachment E) **It is important to note, that the current class was approved to commence February 10, 2009, with an anticipated graduation date of April 16, 2011.**

On **February 23, 2011**, the Board received a second application for program director. On that same day, **the assigned consultant notified the principal via electronic communication that the applicant did not meet the requirements for director as set forth in California Code of Regulations, section 2529 (c)(1). Specifically, the principal was advised that the submitted application and supporting documents did not verify the applicant’s completion of the following required courses: Administration, Teaching, and Curriculum Development.** The application was returned to the program via mail on February 28, 2011.

On April 26, 2011, the principal and a district administrator telephoned the assigned consultant questioning the consultant's determination that based on submitted documents, the applicant failed to meet requirements for director as specified in California Code of Regulations.

On May 2, 2011, the assigned consultant received a telephone message from the superintendent stating the district was actively attempting to hire a new director. Further, the superintendent stated that students had hired an attorney with the intent of suing the school district if the Board did not allow the district to continue classes.

On May 23, 2011, the Board received correspondence, dated May 20, 2011, via first class mail from David Robinette, attorney for Soledad Unified School District, requesting

information related to the notice of violation sent to the school on January 13, 2011 (see Attachment F).

On June 10, 2011, the Board sent correspondence to Attorney Robinette, via certified mail and regular mail in response to his correspondence received May 23, 2011 (see Attachment G).

On **July 13, 2011**, the assigned consultant received electronic correspondence from the school with a third application requesting approval of a new program director. **On that same day, the assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant did not meet regulatory requirements. Specifically, submitted documents failed to verify the applicant's completion of a course in curriculum development.**

On July 25, 2011, the assigned consultant telephoned the principal relative to the district's plans in hiring a new director. The principal advised that a decision was anticipated by Friday, July 29, 2011, and that she would communicate the decision to the Board per telephone.

In the absence of program communication, the assigned consultant telephoned the principal on July 29, 2011. The principal communicated a plan to contact the proposed director related to hiring and would inform the Board thereafter.

On August 5, 2011, the assigned consultant telephoned the principal relative to the progress, or lack thereof, in hiring a new director. Again, the principal stated she had not spoken with the proposed director but would notify the Board thereafter. Additionally, the principal stated that the school district planned to close the program after graduation of the 14 enrolled students.

Based on submitted program documents and information and the program's pass rate statistics, the following violations of the California Code of Regulations are identified.

Section 2527(c) of the Vocational Nursing Rules and Regulations states:

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #1: The program failed to notify the Board of the termination of faculty members within the ten (10) days as required by existing regulations. Submitted information confirms the director's resignation on September 15, 2010. On February 15, 2011, the Board received correspondence from the principal stating the director's resignation.

Plan to Correct #1: This violation is **not corrected**. The program director terminated September 15, 2010. The program failed to notify the Board of the Director's termination. To date, the program has not submitted

documentation correcting the violation or setting forth a plan to prevent reoccurrences.

Section 2529(b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525 et seq.).”

Violation #2: Submitted information confirms the program has been without a director since September 15, 2010. As such, the program has been without a director for 11 months during which students were enrolled.

Plan to Correct #2: This violation is **not corrected**. The violation will be corrected when a new director is approved by the Board.

Section 2533 (f) of the Vocational Nursing Rules and Regulations states:

“All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2526, shall be approved by the Board prior to implementation...”

Violation #3: On December 8, 2008, the Board approved the program’s request to admit a part – time class of 20 students commencing February 10, 2009, with an anticipated graduation of April 16, 2011.

Based on information submitted by the principal on February 15, 2011, the program admitted 20 students in February 2009; 16 students were currently enrolled and in session; and graduation of those students is scheduled for October 2011. As such, the program extended the approved course of study without prior Board approval.

Plan to Correct #3: This violation **has not** been corrected.

Recommendations:

1. Place Soledad Adult School/Mission Trails Vocational Nursing Program on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations (see Attachment H).

2. Require the program to obtain a director who meets requirements set forth in California Code of Regulations Section 2526 (c)(1) by December 31, 2011.
3. Require the program to admit no additional students without the approval of the full Board.
4. Place the program on the February 2012 Board agenda for reconsideration of provisional accreditation.
5. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
6. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

Rationale: The Board has critical concerns relative to the program's lack of compliance with existing regulatory requirements. The program has been without a director, minimally, eleven (11) months, during the time students were enrolled. Submitted information substantiates that the program failed to notify the Board of the termination of a faculty member within the time prescribed by existing regulations. During this period, three applications have been submitted to the Board for approval. Based on submitted information and materials, none of these applicants meet the qualifications as set forth in the California Code of Regulations, Section 2529(c)(1).

Additionally, submitted information substantiates that the program extended the course of instruction for the current students without prior Board approval. The currently enrolled students were to graduate April 16, 2011. To date, the students are still attending classes. Submitted correspondence states the 14 enrolled students are scheduled to graduate in October 2011.

In addition, the Board has serious concerns relative to the program's rate of attrition. Board records confirm the admission of 19 students in the program's initial class. Of the total admitted, 6 graduated. As such, 31.5% of the enrolled population graduated; 68.5% did not complete the class. Of the six (6) graduates who took the licensure examination, five (5) passed (83.3%) and one (1) failed (16.7%).

The program's current licensure pass rate is 0%. However, it is noted that the program has had no candidates tested for the last five (5) consecutive quarters. Based on the program's "revised" projected graduation, no further program graduates are eligible to test until Quarter 4 2011 through Quarter

1, 2012 . At the earliest, data from these graduates would be available in January 2012.

In summary, the program's noncompliance as stated above warrants placing the program on provisional accreditation. Further, in view of the absence of a director for 11 months during which students have been enrolled and in session, scheduling the program for reconsideration of its provisional accreditation status in February 2012 is prudent.

Board staff will continue to monitor the program by tracking its licensure examination pass rate quarterly.

Attachment A: Board Report dated December 8, 2008.

Attachment B: Board Correspondence Dated December 4, 2010.

Attachment C: Program Correspondence Dated December 14, 2010, Received December 22, 2010.

Attachment D: Notice of Violation Dated January 13, 2011.

Attachment E: Program Correspondence Dated February 15, 2010, Received February 16, 2010.

Attachment F: Attorney Correspondence Dated May 20, 2011, Received May 23, 2011.

Attachment G: Board Correspondence Dated June 10, 2011.

Attachment H: Draft Notice of Change in Accreditation Status.